IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

S.A. NO. 1451 OF 2001
(Old No. 2849/1986)

Bachan Singh Bisht .....Plaintiff/Appellant

Versus

Municipal Board Dehradun .....Defendant-Respondents.

Hon. Rajesh Tandon J.

Present Second Appeal arises out of the Suit filed by the plaintiff for permanent injunction restraining the respondent from iterefering with the construction work in accordance with the sanctioned plan and also to restrain the respondent from demolishing the construction in dispute. The Suit was decreed by the learned Munsif. The Appeal filed by the respondent, has been allowed . The file has been transferred from Allahabad High Court.

None appears to press the appeal. At the filing of the appeal, there was an interim order restraining the respondent from demolishing construction. The appellate court has allowed the appeal on the basis of the title of the plaintiff alone. The plaintiff has proved his title by way of Paper No. 54 Ka Sale Certificate, by which he has purchased the property in dispute and 54-C is a map. If the respondent has any grievance, the steps may be taken under the U.P. Urban Planning, Regulation and Development Act.

So far as the present Suit is concerned, the appeal is disposed of with the direction that the construction shall not be demolished except in accordance with law.

Subject to the aforesaid observation, Section Appeal is allowed. The respondent is permitted to take recourse in accordance with the provisions of Urban Planning, Regulation and Development Act and the construction dispute shall not be demolished except in accordance with law.

Subject to the aforesaid observation, the Second Appeal is allowed.

(Rajesh Tandon J.)

25.10.2004
P.S.R.